

CLERK

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK **U.S. DISTRICT COURT**
EASTERN DISTRICT OF NEW YORK

-----X **Docket#** **LONG ISLAND OFFICE**
UNITED STATES OF AMERICA, : 15-cr-00242-JFB
:
- versus - : U.S. Courthouse
MICHAEL BELFIORE, : Central Islip, New York
Defendant :
: February 1, 2017
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TRANSCRIPT OF CRIMINAL CAUSE FOR STATUS CONFERENCE
BEFORE THE HONORABLE JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

A P P E A R A N C E S:

For the Government: **Richard P. Donoghue, Esq.**
United States Attorney

BY: **Lara Treinis Gatz, Esq.**
Assistant U.S. Attorney
100 Federal Plaza
Central Islip, NY 11722

For the Defendant: **Thomas F. Liotti, Esq.**
Law offices of
Thomas F. Liotti
600 Old Country Road
Garden City, NY 11530

Transcription Service: **Transcriptions Plus II, Inc.**
61 Beatrice Avenue
West Islip, New York 11795
laferrara44@gmail.com

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1 THE CLERK: Calling case 15-cr-242, United
2 States of America v. Belfiore.

3 Counsel, please state your appearances for the
4 record.

5 MS. GATZ: Good afternoon, your Honor.

6 Lara Treinis Gatz for the United States.

7 THE COURT: Good afternoon, Ms. Gatz.

8 MR. LIOTTI: Good afternoon, Judge.

9 Thomas F. Liotti for the defendant, appearing
10 with Dr. Belfiore.

11 THE COURT: Good afternoon, Mr. Liotti and Dr.
12 Belfiore.

13 I would just ask that you use the mics because
14 we're taping this. We don't have the court reporter.

15 MR. LIOTTI: Sure.

16 THE COURT: And I apologize for dragging
17 everyone in.

18 MR. LIOTTI: No.

19 THE COURT: I know you did submit letters but
20 when a defendant is waiving this much time under the
21 Speedy Trial Act, I like to do it in person. So why
22 don't you just briefly explain, Ms. Gatz, and Mr. Liotti,
23 as well, basically you want to set a more extended
24 briefing schedule?

25 MS. GATZ: Yes, your Honor. Mr. Liotti warned

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1 me when he filed the motion that I would probably need
2 more time because of its breath and novel arguments and
3 he was correct. So we are working on responding and we
4 do need additional time to do that.

5 And I know Mr. Liotti would like the
6 opportunity to reply if necessary, so we did submit a
7 letter asking for an amended briefing schedule and to
8 adjourn a status conference until March 29th at 1
9 o'clock.

10 THE COURT: Okay.

11 MR. LIOTTI: I also take that, Judge, as a
12 compliment from my esteemed adversary because there's
13 nothing that she can't answer, Judge. I will tell you
14 that right now. She is very, very formidable.

15 THE COURT: All right.

16 MR. LIOTTI: So --

17 THE COURT: So you and your client are okay
18 with the --

19 MR. LIOTTI: Oh, absolutely, Judge, and
20 frankly, any courtesies that I can extend to Ms. Gatz and
21 the Court wants to do it in this case, I just wanted to
22 remind Ms. Gatz I did say it in my letter to the Court,
23 that there's also an application before you which we
24 could put over also until that late date that you have
25 before you for so-ordered subpoenas.

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1 THE COURT: No, I read the letter. I don't
2 have them in front of me, that we were going to -- you
3 were going to brief that, as well, because I don't want
4 to do this in stages. So that's one of the reasons why I
5 wanted to go along with the extension because you're
6 going to brief that, as well.

7 MS. GATZ: Yes.

8 THE COURT: Right?

9 MS. GATZ: Yes.

10 THE COURT: Okay. So let me just -- I have the
11 waiver before me. Let me just ask Dr. Belfiore, you
12 heard Mr. Liotti. They're agreeing on a new schedule
13 both with respect to the motion to dismiss the indictment
14 which Mr. Liotti filed and he has a request for subpoenas
15 that the government would need to respond to and then he
16 would get to reply on both of those.

17 By signing this waiver, you are agreeing to
18 exclude the time until March 29th to allow both sides --
19 primarily to allow your lawyer once the government
20 answers these to have additional time to put in his
21 responses to the government's response.

22 MR. LIOTTI: Judge --

23 THE COURT: Is that your wish?

24 MR. LIOTTI: I'm sorry, the judge is asking you
25 first. Go ahead.

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1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay.

3 MR. LIOTTI: Judge, I just wanted to mention
4 that I also took the liberty of filing some request to
5 charge with your Honor, and I know that's a bit premature
6 but I want to give the Court a heads-up on what I was
7 asking for. I filed a request for a pre-charge and also
8 for voir dire and I've given copies to Ms. Gatz on all of
9 those things.

10 THE COURT: Okay. That's fine. You can put
11 them in whenever you would like but obviously that's a
12 little bit ahead of the game.

13 So I am going to adjourn -- I'm going to adopt
14 the schedule that is set forth in the letters and I just
15 want to make clear that that March 29th date, I will use
16 as not just a conference but an oral argument where I
17 will give you a chance if you want to highlight anything
18 you want to highlight from your papers and if possible, I
19 might rule on that day, once I hear the argument, so the
20 case doesn't remain dormant for too long.

21 So I am excluding the time until March 29th,
22 2017.

23 (Pause)

24 THE COURT: Yes, we have something else on for
25 that date.

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1 MR. LIOTTI: Judge, could I mention one thing
2 because maybe I missed it and maybe you've addressed it
3 -- I apologize if I missed it but we're going to need a
4 little time, I think, to reply to Ms. Gatz's papers.

5 THE COURT: Yeah, I think that's built into the
6 schedule. Do you have the letter in front of you, Ms.
7 Gatz?

8 MS. GATZ: I don't but it was. I built in two
9 weeks after my response --

10 THE COURT: Yes, just --

11 MS. GATZ: -- for the reply and that should
12 be --

13 THE COURT: Just hold on one second. We'll get
14 the letter.

15 MS. GATZ: Okay.

16 (Pause)

17 MS. GATZ: And it --

18 MR. LIOTTI: Judge, you're aware that there's
19 no court reporter here, right?

20 THE COURT: Yes, we're taping it.

21 MR. LIOTTI: Oh, okay. Okay.

22 THE COURT: Okay. That's why I wanted you to
23 stay close to the mic.

24 MR. LIOTTI: Yeah, okay. I'm sorry.

25 MS. GATZ: Your Honor, is March 29th not a good

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1 day?

2 THE COURT: Yes, can you -- another day that
3 week?

4 MS. GATZ: The 30th is fine or the 31st,
5 whatever is good for Mr. Liotti.

6 MR. LIOTTI: Everyday is bad, Judge. So just
7 pick one and --

8 MS. GATZ: Well, I don't know, Dr. Belfiore has
9 some days that he doesn't work.

10 MR. LIOTTI: Oh, yes, Wednesdays would be best
11 for him, Judge, if that's possible.

12 THE COURT: Wednesdays?

13 MS. GATZ: We could do the following Wednesday,
14 April 3rd -- April 5th, excuse me, if that's good.

15 MR. LIOTTI: That's fine, Judge.

16 THE COURT: Yes, April 5th at 1 o'clock.

17 MS. GATZ: That's fine.

18 MR. LIOTTI: Yes, your Honor.

19 THE COURT: I am just going to put that date
20 and everybody just initial it, because we've changed the
21 date on the waiver.

22 Michelle, can you give this to them to initial?

23 MS. GATZ: I got it.

24 MR. LIOTTI: You want us to resign that, Judge,
25 or initial it?

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1 THE COURT: Just initial the new date.

2 MR. LIOTTI: Okay, sure.

3 (Pause)

4 MR. LIOTTI: Okay, very good. We've done that,
5 Judge.

6 THE COURT: Okay. So just so the record is
7 clear, I am excluding the time until April 5th in order
8 to allow additional time for the briefing on the
9 defendant's motion -- the motion to dismiss the
10 indictment, as well as the motion for certain subpoenas,
11 in order to allow that to be properly briefed and allow
12 sufficient time for the reply by Mr. Liotti on both --
13 and I assume you can also use the time generally just to
14 prepare the case forward, correct?

15 MR. LIOTTI: Yes, your Honor.

16 THE COURT: I find -- and for that reason, as
17 well, I find the ends of justice served by granting the
18 continuance outweigh the best interest of both the public
19 and the defendant in a speedier trial and I have so-
20 ordered the waiver. All right?

21 I'm just going to give you the dates, Mr.
22 Liotti, so you have them.

23 MR. LIOTTI: Yes, your Honor. Judge, I figured
24 you didn't have enough reading to do, so I gave you a
25 couple of extra pieces of paper on the motions and so --

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THE COURT: That's okay, we can handle it.

2 MR. LIOTTI: I'm just curious, Judge, how come
3 you weren't nominated last night?

4 MS. GATZ: It was close, right?

5 THE COURT: Yeah, maybe I was one away.

6 MR. LIOTTI: I thought it would be you or Ms.
7 Gatz. I wasn't sure who wasn't going to go first but if
8 Justice Kennedy retires, there's another opening for you,
9 Judge.

10 THE COURT: So the government's response to
11 both motions is March 3rd and Mr. Liotti, your reply on
12 both motions is March 17th, okay?

13 MR. LIOTTI: Is that enough time for you?

14 MS. GATZ: Yes.

15 THE COURT: All right?

16 MR. LIOTTI: Yes, your Honor.

17 THE COURT: All right. Thank you very much.

18 Have a good day.

19 MS. GATZ: Thank you very much, Judge.

20 MR. LIOTTI: Judge, have a good day.

21 THE COURT: You, too.

22 MS. GATZ: Nice to see you, Judge.

23 THE COURT: Same here.

24 | (Matter concluded)

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C E R T I F I C A T E

I, LINDA FERRARA, hereby certify that the foregoing transcript of the said proceedings is a true and accurate transcript from the electronic sound-recording of the proceedings reduced to typewriting in the above-entitled matter.

I FURTHER CERTIFY that I am not a relative or employee or attorney or counsel of any of the parties, nor a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

IN WITNESS WHEREOF, I hereunto set my hand this
18th day of November, 2018.


Linda Ferrara

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